

### **REMARKS**

Claims 6-11, 15-17, 19-21, and 23 are pending in the application. Claims 1-5, 12-14, 18, and 22 were previously canceled. Claims 11, 16, and 17 have been amended. Reexamination and reconsideration of the pending claims are respectfully requested.

#### **Claim Rejections – 35 U.S.C. § 112**

The Examiner rejected Claims 6-11, 15, 17, 19-21, and 23 under 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner indicated that Claim 11 is unclear with respect to the use of “the vessel” and “photometric means.” The Examiner also indicated that Claim 17 is unclear with respect to the use of “the vessel.”

Applicants have amended Claims 11 and 17 to address this rejection. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

#### **Claim Rejections – 35 U.S.C. § 102**

The Examiner rejected Claim 16 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,290,513 (“Berthold513”).

Berthold513 does not teach or suggest the subject matter of independent Claim 16. Specifically, Berthold513 does not teach or suggest a reaction vessel assembly comprising a light-proof shoe that is directly pressed against the planar rim to form a temporary dark chamber. Rather, Berthold513 discloses a radiation measuring device that includes a sample plate 23, a diaphragm plate 10, and a detector 30. The sample plate 23 is pressed against the diaphragm plate 10, which includes a guide groove 12. The detector 30 includes a guide block 13, which is pressed against the guide groove 12 when taking a measurement. The guide block 13 is not pressed directly against the sample plate 23.

For these and other reasons, Berthold513 does not teach or suggest the subject matter defined by independent Claim 16. Accordingly, independent Claim 16 is allowable.

#### **Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected Claims 17 and 19-20 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,849,247 (“Uzan”) in view of Berthold513 and U.S. Patent No. 5,643,535 (“Smethers”).

Uzan and Smethers do not teach or suggest the subject matter of amended independent Claim 17. Claim 17 has been amended to include a light source positioned external to the dark chamber and operable to illuminate, the photometric means operable to detect the light. As noted in the Office Action mailed January 23, 2002, the Examiner acknowledged that the prior art of record, which includes Uzan, Smethers, and Honzawa, does not teach or suggest "an apparatus wherein a light source illuminates the outside of a dark chamber to test the apparatus for light tightness." The Examiner repeats this statement in the Notice of Allowance mailed May 3, 2002.

Berthold513 does not cure the deficiencies of Uzan and Smethers. Berthold513 does not teach or suggest a light source positioned external to the dark chamber and operable to illuminate, the photometric means operable to detect the light.

For these and other reasons, Uzan, Berthold513, and Smethers do not teach or suggest the subject matter defined by independent Claim 17. Accordingly, independent Claim 17 is allowable. Claims 19-21 depend from Claim 17, and are therefore, allowable for at least the reasons Claim 17 is allowable.

The Examiner rejected Claim 21 under 35 U.S.C. § 103 as being unpatentable over Uzan in view of Berthold513, and Smethers, and further in view of U.S. Patent No. 5,637,874 ("Honzawa").

Claim 21 depends from independent Claim 17, and is therefore allowable for at least the reasons Claim 17 is allowable. As noted above, Uzan, Berthold513, and Smethers do not teach or suggest the subject matter of Claim 17. Honzawa does not cure the deficiencies of Uzan Berthold513, and Smethers, because Honzawa does not teach or suggest a light source positioned external to the dark chamber and operable to illuminate, the photometric means operable to detect the light.

For these and other reasons, Uzan, Berthold513, Smethers, and Honzawa do not teach or suggest the subject matter defined by Claim 21. Accordingly, dependent Claim 21 is allowable.

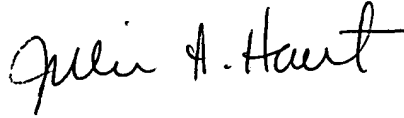
#### Allowable Subject Matter

Applicants appreciate the Examiner's indication that Claims 6-11, 15, and 23 are allowable if the 35 U.S.C. § 112 rejection is overcome.

**CONCLUSION**

In view of the foregoing allowance of the pending claims is respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Julie A. Haut". The signature is written in a cursive, flowing style.

Julie A. Haut  
Reg. No. 51,789

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Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560